

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roland Contreras, et al.

Examiner: Quang Nguyen

Serial No.: 10/672,484

Art Unit: 1633

Filed: September 25, 2003

Docket: 13748Z

For: PROTEIN GLYCOSYLATION
MODIFICATION IN METHYLOTROPHIC
YEAST

Dated: June 1, 2009

Confirmation No.: 8325

Commissioner for Patents
Alexandria, VA 22313-1450

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

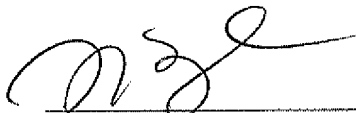
Sir:

Subsequent to the mailing of the Examiner's Interview Summary on May 1, 2009, Applicants respectfully submit the following Statement of the Substance of the Interview for entry in the above-identified case.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on the date shown below.

Dated: June 1, 2009


Xiaochun Zhu

SUBSTANCE OF THE INTERVIEW

The undersigned attorney conducted a telephone interview with Examiner Nguyen on April 28, 2009. Claim 90 was discussed. Claim 114 was also briefly discussed.

The Examiner indicated that the currently amended claims appear to overcome the rejections of record. However, the Examiner raised the issue of whether the specification provides adequate guidance for the broad genus that encompasses a functional part of *T. reesei* α -1,2-mannosidase whose expression results in the production of Man₅GlcNAc₂ as a predominant N-glycan structure of a predominant intermediate N-glycan structure. The undersigned attorney submitted that the specification provides adequate guidance including exemplifications for functional parts of *T. reesei* α -1,2-mannosidase. The undersigned attorney further submitted that should the Examiner ultimately consider the disclosure to be inadequate and raise a rejection under 35 U.S.C. §112, first paragraph, Applicants would like to have an opportunity to respond accordingly.

Additionally, the Examiner noted that claim 90 is not limited to a genetically engineered strain of *Pichia* in which the Och1 disruption is the sole genetic disruption of the Golgi mannosyl transferases acting in N-glycosylation of the strain, and therefore there is a potential §103 rejection. The undersigned attorney submitted that while the Och1 disruption being the sole genetic disruption of the Golgi mannosyl transferases is a preferred feature and is delineated in dependent claim 114, for example, this feature is not the only ground on which the claimed strains are patentably distinguished from the cited prior art viewed in combination, as submitted in Applicants' Response dated March 16, 2009.

Applicants, through the undersigned, wish to thank the Examiner for the courtesy and helpful discussion during the interview.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'XZ' followed by a stylized flourish.

Xiaochun Zhu

Registration No. 56,311

Scully, Scott, Murphy & Presser, P. C.
400 Garden City Plaza-STE 300
Garden City, New York 11530
Telephone: 516-742-4343
XZ:ab

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
13748Z

In Re Application Of: **Roland Contreras, et al.**

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-------------------|---------------------------|---------------------|--------------|----------------|------------------|
| 10/672,484 | September 25, 2003 | Quang Nguyen | 23389 | 1633 | 8325 |

Title: **PROTEIN GLYCOSYLATION MODIFICATION IN METHYLOTROPHIC YEAST**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

- **Statement Of The Substance Of The Interview**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-3886/RCT** as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: **June 1, 2009**

Xiaochun Zhu
Reg. No. 56,311
Scully, Scott, Murrphy & Presser, P.C.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc: